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13 IMPAX LABORATORIES, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 IMPAX LABORATORIES, INC.,

13 Plaintiff,

14 v.

15 MEDICIS PHARMACEUTICAL CORP.,

16 Defendant.

CASE NO.: C08-0253-MMC

**DECLARATION OF TED SMOLENSKI
IN SUPPORT OF IMPAX'S
OPPOSITION TO MEDICIS'S
MOTION TO DISMISS**

Date: April 11, 2008
Time: 9:00 a.m.
Before: Hon. Maxine M. Chesney

1 I, Ted Smolenski, declare as follows:

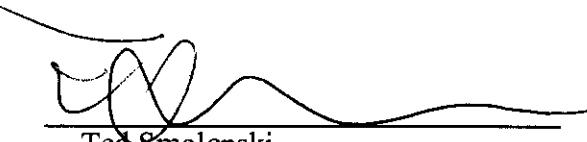
2 1. I am currently employed at IMPAX Laboratories, Inc. as Director, Market
3 Planning. As part of my job, I attend conferences about the pharmaceutical and healthcare
4 industries. I have personal knowledge of the facts stated herein.

5 2. On January 8, 2008, I attended the 26th Annual JPMorgan Healthcare Conference
6 held in San Francisco, California. Among other presentations at the JPMorgan Healthcare
7 Conference, I attended a presentation by Jonah Shacknai, Chairman and CEO of Medicis
8 Pharmaceutical Corporation.

9 3. After his presentation, Mr. Shacknai answered questions about, among other
10 things, one of Medicis' products, Solodyn, at a breakout session. During the breakout session,
11 Mr. Shacknai stated that Medicis would protect Solodyn from generic competition and stated
12 specifically that Medicis would use "extreme aggression" to do so.

13 4. I did not ask any questions of Mr. Shacknai at the presentation or the breakout
14 session, nor did I ask anyone else to ask questions on my behalf. I attended the presentation and
15 breakout session merely as an observer.

16 I declare under penalty of perjury that the foregoing is true and correct. Executed on
17 March 15, 2008, at Hayward, California.



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Ted Smolenski